

ESTTA Tracking number: **ESTTA60751**

Filing date: **01/06/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Novartis AG
Granted to Date of previous extension	01/08/2006
Address	4002 Basel, SWITZERLAND

Attorney information	Maury M. Tepper, III Womble Carlyle Sandridge & Rice, PLLC PO Box 831 Raleigh, NC 27602 UNITED STATES mtepper@wcsr.com Phone:919-755-2109
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Applicant Information

Application No	76540086	Publication date	07/12/2005
Opposition Filing Date	01/06/2006	Opposition Period Ends	01/08/2006
Applicant	Dimera Incorporated 2525 NW Lovejoy, Suite 311 Portland, OR 97201 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. All goods and services in the class are opposed, namely: TRANS-DERMAL PATCHES CONTAINING PHARMACEUTICAL PREPARATIONS FOR THE TREATMENT OF DEFICIENCIES AND IMBALANCES OF STEROID HORMONES

Attachments	Notice of Opposition to E DOT.pdf (3 pages)
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Signature	/Maury M. Tepper, III/
Name	Maury M. Tepper, III
Date	01/06/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Application Serial No. 76/540,086
Filed August 26, 2003
For the Mark **E DOT**

Novartis AG,)	
)	
Opposer,)	
)	
v.)	Opposition No.
)	
Dimera Incorporated,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Opposer Novartis AG, a Switzerland corporation, believes that it will be damaged by registration of the mark shown in Serial No. 76/540,086, and hereby opposes the same.

The grounds for opposition are as follows:

1. Applicant filed Application Serial No. 76/540,086 on or about August 26, 2003 to register the mark E DOT in connection with “trans-dermal patches containing pharmaceutical preparations for the treatment of deficiencies and imbalances of steroid hormones” (“Applicant's Mark”).
2. Opposer will be damaged by the registration of Applicant's Mark.
3. Opposer is the owner of the following: United States Trademark Registration No. 2,520,659, filed February 16, 1999 and registered December 18, 2001, for the mark VIVELLE DOT in connection with “pharmaceutical preparations for the treatment of hormonal imbalances and deficiencies, pre- and post menopausal symptoms and osteoporosis as well as women's hormonal or reproductive disorders, ailments and conditions” (“Opposer’s Mark”).

4. Both the registration date for Opposer's Mark (i.e., December 18, 2001) and the date of first use set forth in the registration (i.e., March 31, 1999) are prior to any priority date that Applicant can claim relating to Applicant's Mark.

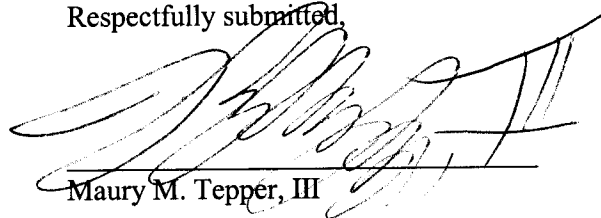
5. The Opposer's Mark is marketed with cooperation from Noven Pharmaceuticals ("Noven"), owner of the patented DOT Matrix transdermal patch technology and of numerous federal trademark registrations and application for a family of "DOT" marks in connection with its transdermal patch medications.

6. Applicant's Mark so resembles Opposer's Mark as to be likely to cause confusion or to cause mistake or to deceive.

WHEREFORE, Opposer prays that said application Serial No. 76/540,086 be rejected, that no registration be issued, and that this Opposition be sustained in favor of Opposer.

This the 6th day of January, 2006.

Respectfully submitted,



Maury M. Tepper, III

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CERTIFICATE OF FILING

I do hereby certify that on January 6, 2006, I filed via electronic means (ESTTA) this
NOTICE OF OPPOSITION with the:

U. S. Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451



Amy L. Thompson, Senior Paralegal